

## Transcript of Webchat with U.S. Embassy to Discuss Fiancé (K) Visas

June 18, 2008

### *Begin Transcript:*

Consulate        Good Morning and thank you for joining us for the fiancé (K) visa chat. We will be happy to answer your questions regarding K visas, but we will not be able to answer questions that are not of general interest such as those regarding specific cases.

Administrator    ina - Hello sir!!! I just would like to ask about the waiting time of a K1 visa since the day the petition is filed?

Consulate        The normal waiting time for a K1 visa interview is 6-12 months after filing.

Administrator    ina - I had a conditional permanent residency before I was not able to file for removal of conditions due to some marital problems I encountered and me and my husband ended up divorcing 3 months before my residency expired. I went back home so I would not be in trouble.

Consulate        Assuming no period of overstay constituting an ineligibility, and a legal divorce from your first husband, a person can be petitioned again as a K1. No waiver is required. IMBRA may or may not apply depending on the petitioner and the circumstances of your meeting.

Administrator    janelover - This is the 2nd time that I'm trying to bring my fiancé to the US, will that have any effect on the time it will take for approval?

Consulate        You do not explain why the first attempt failed. In order to respond correctly, we need to know more info regarding the reason the first petition was not successful.

Administrator    howard - Can I file a k1 visa from Manila?

Consulate        Yes, the Form I-129F can be filed from Manila.

First, the U.S. citizen (petitioner) must file a Form I-129F, not the Philippine national.

Second, The Form I-129F must be filed with U.S. Citizenship and Immigration Services in the United States. Form I-129F cannot be filed with the U.S. Embassy, Manila.

Third, only two offices in the U.S. process these forms. One is in

California, the other is in Vermont. Below is a link to the USCIS webpage with filing instructions and the form.

[www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=a10e4154d7b3d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD](http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=a10e4154d7b3d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD)

Below is a link on which office to file the form:

[www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=1872aca797e63110VgnVCM1000004718190aRCD&vgnnextchannel=fe529c7755cb9010VgnVCM10000045f3d6a1RCRD](http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=1872aca797e63110VgnVCM1000004718190aRCD&vgnnextchannel=fe529c7755cb9010VgnVCM10000045f3d6a1RCRD)

Administrator     ryan – I have a question about my affidavit of support: what if I was married and got divorce just recently my ex-wife is already in the states [U.S.] with an IR1 visa (unconditional). Now, my new concern is since I am now living in Guam and trying to petition my new fiancé, what do I claim on the affidavit?

Consulate         The I-864 you signed for your previous wife (on the IR1 visa) binds you to support her for 10 years or 40 quarters of social security payments. You must list her (and any other children you may have sponsored) as a dependants even if you are divorced when you file your new affidavit of support. You must meet the income requirements.

Administrator     DOCUMENTARY REQUIREMENTS:

Consulate         - DS-156 Form in duplicate  
- DS-156K Form  
- Valid passport  
- NSO Birth certificate  
- NBI Clearance for applicants over 16 years of age  
- Medical Examinations at St Lukes Medical Extension Clinic  
- Evidence of Termination of Prior Marriages (if any)  
- Proof of Relationship with Petitioner  
- Affidavit of Support &#8211; Form I-134  
- Police Clearance if the applicant, since attaining the age of 16, has resided for six months or more in a country other than the place of visa application

Administrator     howard - What is the current cost of filing a k1 visa ?

Consulate	\$455
Administrator	CAN A CHILD OF MY FIANCÉ BE INCLUDED IN THE VISA PETITION?
Consulate	Yes. The unmarried child of a K-1 or K-3 applicant does not require a separate petition. The applicant needs only to demonstrate that he or she is the child of an alien classified K-1 or K-3. K-2 or K-4 applicants are required to sign a form apprising them that entering into a marriage prior to obtaining adjustment of status will render them ineligible for adjustment as IR-2 or CR-2 immigrant visa applicants.
Administrator	daughterduchess - Since the fiancé visa is still on waiting can I apply a tourist visa and travel to the U.S. while waiting for 6-12 months for my fiancé visa?
Consulate	Technically, you can apply for a B-2 visa. However, please understand that the B-2 visa is for touristic purposes only. You must be able to establish that you will return to the Philippines which may be difficult if you also have a pending K-1 petition indicating that you intend to immigrate to the U.S.
Administrator	leia - What are the medical issues that will guarantee a visa denial?
Consulate	A current physical or mental condition that can result in harm to the applicant or others, drug abuse and sometime only usage, and active communicable diseases can form the basis for a denial.
Administrator	pauldaniel - Can you provide some sort of a roadmap or flowchart as to exactly what goes on with document verification? How does Delbros, NSO and the USEM exchange information as it pertains to doc verification.?
Consulate	The NSO charges fees for document verification and we pass those fees on to you through our security courier, Delbros. Delbros adds convenience to you by providing a service where you can be assured the documents will be delivered from the NSO to the consul. Additionally in K visa cases, using the advance document process allows you to have verified documents present at the interview. This advance payment procedure greatly speeds your application process and is recommended by the consulate.
Administrator	chat_mayneil - What is the current cost for making an appeal?
Consulate	If the K-1 petition is denied, it can be appealed to the Administrative

Appeals Office (AAO). The current fee for an appeal to the AAO is \$585. Attached is a link to the Form I-290B which is used to file an appeal.

[www.uscis.gov/portal/site/uscis/men](http://www.uscis.gov/portal/site/uscis/men)

Administrator      april - Do I need to bring my fiancé's income tax returns to the interview even though I have his notarized affidavit of support already?

Consulate          We often require proof of a petitioner's income. A copy of the most recent tax return and/or a copy of the most recent W2 (statement of earnings from IRS) should satisfy this requirement.

Administrator      HOW DO I GET AN INTERVIEW SCHEDULE?

Consulate          Applicants applying for K-1, K-2, K-3 and K-4 visas can call 1-909-101-7878 (within the Philippines) to schedule an interview appointment at the U.S. Embassy. The cost of the 909 service is U.S. \$0.98 per minute; this amount will be charged to your telephone bill.  
Applicants, Agents or Petitioners calling from within the United States will also be able to use this service by calling 1-888-877-9888. The cost of the 888 service from the United States is a U.S. \$18 PIN payable using a Visa or MasterCard once you have called into the service.  
Applicants or their representatives must have the applicant's Immigrant Case Number as given in the Embassy notification letter available when they call to schedule an appointment.  
Callers can speak with an English or Tagalog speaking operator. The service is available to the public from 8:00 a.m. to 6:00 p.m., Monday to Friday, Manila local time.

Administrator      APPLICANT MISSED INTERVIEW APPOINTMENT BECAUSE OF MEDICAL DELAY AT ST. LUKES:

Consulate          If you miss your interview appointment because of additional medical tests at St. Luke's, St. Luke's will assist you in rescheduling your appointment when you are cleared for a new interview date.

Administrator      nona - Does the K1 Visa allow the fiancé to legally work in U.S.?

Consulate          The K1 visa is not a work authorization. Once in the U.S., the K1 visa

holder can file an I-765 with the USCIS. Often this is not approved within the 90 days. Since the marriage must happen within 90 days, it is usually advisable to get married and file the adjustment of status to become a legal permanent resident. This is less expensive and typically faster.

Administrator      bryan - I just was discharged from the military while my visa is still pending, so I am currently unemployed, but searching for a job. I am now at the point where I need to submit an affidavit of support but I don't have a job yet. I am currently living back at home with my father. Can he file for me?

Consulate            Yes, your father can file an I-134 on behalf of your beneficiary. He should submit with the form proof of his earnings, such as his most recent tax return or W2 statement. The form and accompanying documents should be forwarded to the US Embassy.

Administrator      WHAT ARE THE FEES NEEDED IN APPLYING FOR A K1 VISA AT THE EMBASSY?

Consulate            - US\$131.00 serves as application fee payable in any Bank of Philippine Island (BPI) branches or selected Citibank branches  
- Medical examination costs are U.S. \$213.35 for adults (15 years and older) and U.S.\$185.35 for children (under 15 years of age).  
- P650.00 serves as document verification fee payable at any Metrobank branches. Remember to follow the instructions in this link to avoid delay. Check this link: [manila.usembassy.gov/wwwfdelb.pdf](http://manila.usembassy.gov/wwwfdelb.pdf)

Administrator      wifey jam - What will you need to do after you get approved and receive noa2?

Consulate            Your question is not exactly clear. I assume that you received one approval notice from the USCIS Service Center (Vermont or California) and a second approval notice from the National Visa Center of the Department of State.

When you received the approval notice from the National Visa Center, it should have been accompanied by a package with forms and instructions. Please follow the forms and instructions carefully and schedule your appointment for a K-1 visa online.

Administrator	leafil - What documentation do people mess up on the most?
Consulate	The Affidavit of Support. For K-1 and K-3 visa applicants, the Petitioner must submit Form I-134. For all other immigrant visa applicants, the Petitioner must submit Form I-864. Please make sure that the Petitioner signs the form. It does NOT need to be notarized. If a Petitioner does not make enough income and do not make more than the Federal Poverty Guidelines, they will need a joint financial sponsor. Please make sure that the financial sponsor signs Form I-864A. The form does NOT need to be notarized. Both the Petitioners and the joint sponsors should submit 1) letter of employment; 2) most recent tax forms; 3) W-2 tax forms and 4) proof of assets (bank accounts).
Administrator	joey - If I am applying for the first time for a K1 visa and I have met my fiancé in person and spent three weeks time with her in the Philippines, is the IMBRA question, going to be a problem?
Consulate	IMBRA addresses whether your meeting was arranged by a marriage broker; basically someone you paid to find you a wife. If you can demonstrate you actually met your beneficiary, that you are both legally free to marry, and that there is a legitimate ongoing relationship, you should not have a problem.
Administrator	jb55 - WHY ARE K1 FIANCEE VISAS TAKING LONG TO PROCESS?
Consulate	Many factors can cause a K1 visa to take a long time. The most common cause is incomplete documentation. Filling all forms completely and providing all documents requested in the instructions will greatly speed your visa experience. Additionally utilizing the Delbros advance payment procedure will ensure the Consul has all required documents at the time of interview.
Administrator	dian - When should we pay the document verification? Is it before the interview or after? If before, how many days prior to the interview? Thanks.
Consulate	All K applicants should pay the verification fee before the interview as soon as you receive your notification, do not wait. This ensures verified documents are present at the interview.

Administrator	daughterduchess - What would be the difficulties of applying a tourist visa (B-2) at the same time that you had a K-1 Fiance Visa pending application? For example you wish to travel to the U.S while waiting.
Consulate	In order to qualify for a tourist visa, you must convince the officer that you have a permanent residence in your home country that you do not intend to abandon, in other words you are not an intending immigrant. Having a pending K1 application indicates you are planning to live in the US, thus making it very unlikely you would be issued a tourist visa.
Administrator	HOW DO WE SUBMIT LACKING DOCUMENTS AFTER THE INITIAL INTERVIEW?
Consulate	Your fiancé can correct the problem by submitting lacking and/or additional documentation at the Embassy any workday from Monday to Thursday - Windows 17-20 from 1:00 PM to 2:00PM.
Administrator	CAN MY FIANCE LEAVE THE UNITED STATES AFTER GETTING MARRIED IN THE UNITED STATES?
Consulate	After your marriage, your fiancé must adjust status to become a permanent resident in the US. She will then get a conditional green card. She may then leave the United States for a short period of time.
Administrator	dennis - I am now here in Tagum City and applying for a k1 visa for my fiancé. I arrived last May 6, 2008 what is new about k1 visa?
Consulate	For the most recent information, I suggest that you visit the USCIS web page:  <a href="http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=a10e4154d7b3d010VgnVCM10000048f3d6a1RCRD&amp;vgnnextchannel=db029c7755cb9010VgnVCM10000045f">www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=a10e4154d7b3d010VgnVCM10000048f3d6a1RCRD&amp;vgnnextchannel=db029c7755cb9010VgnVCM10000045f</a>
Administrator	jenny - Does my 5-months old baby still need to undergo medical examination?
Consulate	All K-1 applicants and all K-2 applicants are subject to a medical examination in order to obtain a visa. In the case of babies, the

vaccination requirement is normally waived.

Administrator carl@filipinavisa.com - Please answer my question on how to get a letter from NVC or Embassy so a person can get a Hong Kong police report before interview as they take weeks to get and HK police will not issue a report with out a case number and request.

Consulate Once we receive a visa petition that discloses a period of foreign residency, we send the applicant information on how to apply for a police clearance in the applicable country.

Administrator jean - My visa petitions were approved. Now we are preparing the required documents for my K3 visa application. I am married to a US citizen, but my passport still has my maiden name with a certification from the Saipan Philippine Consulate. Which name should i use to fill out my form?

Consulate You should use the name in your current passport.

Administrator oblivna - What is the delbros advance payment procedure?

Consulate You are referring to the Document Verification Fee. The procedure is that the Embassy will issue a Document Verification Notice through the mail. Please read the instructions carefully. As soon as you receive this Document Verification Notice, you will need to text Delbros at 0917-622-1949 to give you the instructions on where and how to pay the Document Verification Fee. Normally, you need to state your name and case number so that processing is more efficient. As soon as we get your payment confirmation, the corresponding verification request form will be sent to the National Statistics Office (NSO). For details on document verification, you may visit our website : [www.manila.embassy.gov](http://www.manila.embassy.gov)

Administrator chat\_mayneil - If my fiancé decides to make a new petition since the first one was denied, what procedures does he need to do?

Consulate First consider why the first petition was denied. If nothing has changed in his situation, then a new application will likely also be denied. This is an opportunity to clean up whatever caused him to be denied last time. To reapply follow the same procedures he used last time.



Administrator	POLICE CLEARANCE REQUIREMENTS:
Consulate	Go to this website: <a href="http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3272.html">http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3272.html</a>
Administrator	CALL CENTER INFORMATION:
Consulate	You may call the embassy's immigrant visa information call center; the call center number is 1-909-101-7878 for callers within the Philippines using a PLDT or Smart Phone line with NDD access. For callers in the USA, the number is 1-888-877-9888. There is a fee assessed to callers by the call center for its services. The call center is open from Monday through Friday, 8:00 AM to 6:00 PM).
Administrator	VALIDITY OF A K1 VISA PETITION:
Consulate	An approved K-1 visa petition is valid for a period of four months from the date of Department of Homeland Security (DHS) action and may be revalidated by the consular officer any number of times for additional periods of four months from the date of revalidation, provided the officer concludes that the petitioner and the beneficiary remain legally free to marry and continue to intend to marry each other within 90 days after the beneficiary's admission into the United States.
Administrator	leafil_napper - Hi, if I get denied in my tourist visa interview and after couple of months later decide to apply for fiancée visa is this allowed?
Consulate	Yes, you may apply the next day. A denial for a tourist visa does not block you from applying for an immigrant visa.
Administrator	jenny - I already received a mail from your office stating I'm eligible for a visa interview. Do I still need to wait for the packet as one of the basic process? What is the number of days for me to get the packet?
Consulate	You do not need to wait for a packet. Please call the Call Center at 1 909 101 7878 using a PLDT or Smart phone line with NDD access to schedule a visa interview appointment.
Administrator	kane - Do we have to wait for 6 months just to know whether the visa is approved or not?
Consulate	The I-129F petition is processed by USCIS at the Vermont or California Service Centers. Below is a link to their process times.

<https://egov.uscis.gov/cris/jsps/ptimes.jsp>

- Administrator      If approved, it is sent to the National Visa Center for additional processing.  
estela - What will happen with the k1 visa if the fiancée decides she's not going to the country of the man she supposed to marry?
- Consulate      If you have not been issued the visa yet, you should notify us in writing that you do not intend to pursue the visa. The case will be returned to NVC. This does not affect your eligibility to be petitioned again at a later time. If you already have the visa, please return it to us as soon as possible. If you enter the US without intending to marry the petitioner, you may be found to have committed fraud which will severely damage any future attempt to immigrate to the US.
- Administrator      CONTACTING THE COMMISSION OF FILIPINO OVERSEAS:
- Consulate      Manila Office: Citigold Center, 1345 President Quirino Avenue corner South Superhighway, Manila  
Tel.: (632)5618321 extension 104 to 105, 201 to 203  
Fax: (63-2)561-8332  
  
Cebu Extension Office: Causing-Lozada Bldg., Osmena Blvd corner M.J. Cuenco Ave., Cebu City  
Tel.: (6332)255-5253
- Administrator      ADAM WALSH ACT; WHO IS INELIGIBLE TO FILE A PETITON?
- Consulate      Section 402 of the Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act), which became law on July 27, 2006, rendering ineligible to file a petition for immigrant or nonimmigrant K status, any petitioner who has been convicted of a specified offense against a minor; involving any of the following:  
  
(1) An offense (unless committed by a parent or guardian) involving kidnapping.

- (2) An offense (unless committed by a parent or guardian) involving false imprisonment.
- (3) Solicitation to engage in sexual conduct.
- (4) Use in a sexual performance.
- (5) Solicitation to practice prostitution.
- (6) Video voyeurism.
- (7) Possession, production, or distribution of child pornography.
- (8) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
- (9) Any conduct that by its nature is a sex offense against a minor.

Section 402 further provides that the bar against filing a petition because of such a conviction will not apply if the Secretary of Homeland Security, in his sole and unreviewable discretion, determines that the petitioner poses no risk to the beneficiary.

Administrator chat\_mayneil - Will the USCIS honor my appeal since I already met my fiancée last May 2008 after it was denied?

Consulate No. The meeting requirement must be satisfied in the two-year period immediately before the I-129F is filed. Facts which come into existence subsequent to the filing or denial do not count. You may wish to re-file the I-129F since you have now met.

Administrator jb55 - I FILED MY K1 PETITION BACK IN MARCH 18 2008, AND I AM STILL WAITING FOR MY APPROVAL.

Consulate Please review the processing times page on the USCIS website. Below is a link. I-129F forms are processed only at the California and Vermont Service Centers.

<https://egov.uscis.gov/cris/jsps/ptimes.jsp>

Administrator jenny - I am pregnant with our 2nd child. Can this affect my visa approval?

Consulate If you are unmarried and your fiancé is prepared to support the 2nd child, then it will have no affect.

Administrator      joei - Hello, is it possible to have an approved B1/B2 visa and then have an IR1 visa petition filed for a person?

Consulate            Yes, you may have a valid B1/B2 visa while an IR1 petition is pending. The B1/B2 visa is a tourist visa that allows you to be in the U.S. temporarily. You must prove to the Consular Officer that you intend to come back to the Philippines. An IR1 visa is an immigrant visa where a U.S. citizen spouse is petitioning for their Filipino spouse. Once you receive an IR1 visa, your B1/B2 visa will be canceled, as you are now an intending immigrant and can no longer qualify for a tourist visa that requires you to return to the Philippines.

Administrator      jeannshaffer - Can I get an extension because the validity of my approved petition is almost over and I'm still waiting for the packet... I used to live in Saipan but have to go home here to the Philippines... How can I request for another packet to be mailed here in my Philippine residence?

Consulate            Please contact our call center at 1-909-101-7878 (from PI) Mon-Fri 8AM-4PM to obtain information about the status of your case.

Consulate            Thank you for your participation. We hope this chat has helped answer questions you had regarding K visas. We thank you for your understanding that we couldn't answer all of them due to time constraints. If you have further inquiries, you can use the contact information provided below to reach the appropriate offices. The chat is now closed. A transcript will be posted shortly.

#### CONTACTING THE IMMIGRANT VISA UNIT:

##### By Mail:

From within the Philippines: Chief, Immigrant Visa Branch, United States Embassy, 1201 Roxas Blvd., Ermita, Metro Manila 1000

From outside the Philippines: Chief, Immigrant Visa Branch, PSC 500, Box 26, FPO AP, 96515-1000 USA

By Fax: (632) 301-2591

By Email: [manila.usembassy.gov/www3230.html](mailto:manila.usembassy.gov/www3230.html)

#### DOWNLOADABLE FORMS FOR INTERVIEW PREPARATION:

[manila.usembassy.gov/www3238.html](http://manila.usembassy.gov/www3238.html)

#### GETTING FORMS FROM USCIS:

[www.uscis.gov](http://www.uscis.gov)

#### MORE INFO ABOUT FIANCE VISA IN POST&#8217;S WEBSITE:

[manila.usembassy.gov/www3204.html](http://manila.usembassy.gov/www3204.html)

**HOW TO CONTACT NVC:**

[travel.state.gov/visa/immigrants/info/info\\_3177.html](http://travel.state.gov/visa/immigrants/info/info_3177.html)CONTACTING

**DELBROS:**

[www.delbros.com](http://www.delbros.com)

**CONTACTING THE COMMISSION OF FILIPINO OVERSEAS:**

Manila Office: Citigold Center, 1345 President Quirino Avenue corner  
South Superhighway, Manila

Tel.: (632)5618321 extension 104 to 105, 201 to 203

Fax: (63-2)561-8332

Cebu Extension Office: Causing-Lozada Bldg., Osmena Blvd corner  
M.J. Cuenco Ave., Cebu City

Tel.: (6332)255-5253